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January 8, 2025

By ECF

The Honorable J. Paul Oetken
United State District Court
Southern District of New York
40 Foley Square
New York, NY 10007

The People of the State of New York v. Citibank N.A., No. 24 Civ. 659 (S.D.N.Y.)

Dear Judge Oetken:

I write on behalf of Plaintiff People of the State of New York in the above-captioned action in response to Defendant Citibank N.A.'s recent letter. (ECF No. 47.) Neither the opinion cited in that letter, nor the magistrate's opinion previously identified by Defendant (ECF No. 39), are persuasive authority, as those courts did not have the facts pled in the Complaint here before them and did not consider at all which laws govern electronic debits by banks such as Defendant made in connection with bank-to-bank wires. Indeed, though in his appeal the *pro se* plaintiff flagged the CFPB's Statement of Interest in this action (ECF No. 28-1), the Fifth Circuit expressly declined to consider it, deeming such arguments "abandoned." *Nazimuddin v. Wells Fargo Bank, N.A.*, No. 24 Civ. 20343, 2025 WL 33471 at *2 (5th Cir. Jan. 6, 2025). These opinions thus are distinguishable on the same grounds as cases previously cited by Defendant for the reasons set forth in Plaintiff's briefing on the pending motion to dismiss. (See ECF No. 25, at 25–26.)

Sincerely,

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cc: All Counsel of Record (via ECF)